

EXHIBIT D

PRIVILEGED AND CONFIDENTIAL

EFH22-04 APD ASST DIRECTOR ALLEGATIONS AGAINST ACTING CHIEF HAYES

Please describe in detail the situation or event

The Alexandria Police Department is experiencing ongoing mistreatment of employees, specifically employees of protected classes (race/gender/age), which is negatively affecting the overall culture of the organization.

Wrongdoing under the Whistleblower Protection Act includes gross mismanagement of employees by having a willful and reckless disregard for proper management. This complaint addresses a broader institutional wrongdoing that impacts the greater interest of the organization, not just an individual or individuals.

There is a pattern of incompetent management actions that are wrongful, negligent, arbitrary, racist, and capricious at the direction of Acting Chief Don Hayes. His decisions and actions could be considered by a reasonable person as gross and unfair.

There is also a pattern of cultural incompetence that has led to inequities, lack of motivation, employee dissatisfaction, organizational trauma, and poor communication under Hayes' leadership. This lack of cultural competence has led to a default in transparent decision making as it impacts areas of the organization.

As City employees, we have a right to promote and demand a healthy workplace without fear of retaliation. As an organization of public interest, it is impressed that further consideration is given to the complaint of gross mismanagement and racial discrimination occurring at Alexandria Police Department.

The underlying theme within the culture of law enforcement has not historically been accepting of persons of color and this behavior is alive and thriving within the Alexandria Police Department. Ranked civilian staff of color are excluded and there is a threat that the actions of Acting Chief Hayes, Acting Assistant Andreas and the Captains is to assume control of the Administrative Services Bureau, replacing Assistant Director McCarty with a sworn person.

Assistant Director Michele McCarty -

Acting Chief Don Hayes has lied on several occasions. He has lied about his decision to remove and replace Lt. Delton Goodrum (B/M) from his position as the Training Commander. For reasons that were dubious at best, he replaced Lt. Goodrum with Lt. Marcus Downey (younger W/M) and Lt. Scott Patterson (older W/M) with Lt. Jason North (younger W/M). Acting Chief Hayes lied to A/D McCarty about their duties coming into the Administrative Services Bureau.

- Everyone that is in position to have an impact on those that come into the organization are people of color.

- A/D McCarty (B/F) is not included in decisions that impact the Administrative Services Bureau and its employees.

[REDACTED]

[REDACTED]

Administrative Inquiry

Investigator's Interview Notes Don Hayes, Police Chief

Interview with Don Hayes Chief of Police. The Interview took place at 123 N. Pitt Street, Suite 230, The Alexandria Office of Human Rights. Present in the interview were Jean Kelleher, Director, Anna McClure, Attorney/Investigator, and David Miller, Investigator. The interview was conducted on May 2, 2022, and began at 11:00am and concluded at 1:10pm. Chief Hayes was read the Administrative Inquiry participation rights and responsibilities paragraphs by Mr. Miller.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Chief Hayes spoke about race and equity program and explained that Captain Shannon Soriano is involved in that for the department and so he explained that he sat down with her and wanted to see how we could get more involved with the race and equity program, and she's supposed to be looking at her calendar and getting together with Jacqueline Tucker who is coming over to host a focus group at the Police Department next week.

Chief Hayes explained that he had a meeting with the lieutenants and they wanted to talk about the promotion or the captains list that was put on hold and so this is while Chief Brown was still here and they asked him the question, but he knew they were setting him up, but they asked him the hypothetical question about promoting a Captain: if you were the one that was making the decision, who would you promote? Chief Hayes answered that he would promote DG, and right away they responded back saying, "why because he's black." Chief Hayes answered, no, and explained that it's not because of his race, but diversity and they said, "that's the same thing." Chief Hayes said, no, that he was talking about diversity of thought, and he said let me ask you a question and gave them the hypothetical to show them where he was coming from, he said:

you all asked me that question and when you ask me that question and I gave you the answer I knew what you were doing you immediately assumed that the only reason why I promoting DG is because he's black so he took the same process that everybody else did and it never occur to you that he's qualified and I said let me ask you question if Chief Brown was in the room and you asked him the question and he said who would he promote and let's say he said Steve Car (White) and be honest with yourself, would it be the first thing that came into your mind that was promoted because he is white, and

nobody said anything and I said you don't have to say anything cause I already know and I'm letting him know that that's what's done all the time so I have a hard conversation they left the room and when they left that room they actually went around and began a rumor that I I'm doing a race thing and having a race conversation and to start com controversy they actually called me a racist and so were going to captains came in and said that wasn't the conversation but people are saying that you are a racist and that you would promote Goodrum because he's black and I said no, I never said that and so I had to go to each Lieutenant one on one and have a conversation with them so to get them to understand what I was saying and why I said it.

Chief Hayes said that he had to have the hard conversation, but that he already knew, that's why he was talking to Jacqueline because he did not want it to implode and have the whole organization against him, because he does not think that he did it right the first time. He wanted Jacqueline to help to make sure the organization is on the right track and having these hard conversations. It was Captain Monica Lyle who came to him, and she was not in the meeting because it was only lieutenants, but she came to him afterwards and let him know that that they thought he was being racist. Chief Hayes explains that the captains promotional process was on hold because it was being grieved and he said that everything needs to be on hold until they come to an agreement about how they want to handle that situation. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Chief Hayes states that he has made promotions at the lower level, while during his tenure as acting police chief but he has not made any command promotions yet. Chief Hayes states that he would not promote at the assistant chief or captain rank while in an acting role because he did not want another chief coming in and then not having the ability to make those high level promotions.

[REDACTED]

[REDACTED]